SOCIAL-MEDIA POST OF JUDGE DIANA M. TENNIS

Posted 26 September 2016 · @tennisbench

The post. On the evening of Monday, 26 September 2016, Judge Diana M. Tennis — then a sitting judge of the Ninth Judicial Circuit, having taken the bench on 5 January 2015 — published the following from her public account @tennisbench:



Screen capture from the public account @tennisbench, post dated 9/26/16.

> "Planning to sleep in a bit tomorrow and head into work to do 'adequate' job. Feeling good. Not sure why I've been sweating it."

Why it is placed in the record. The statement is not political. It is a public representation by a sitting judge, made the night before a court day, that she intended to arrive late for work and to perform her judicial duties at a level she herself placed in quotation marks as "adequate."

Litigants whose matters were set before Division 38 on Tuesday, 27 September 2016 had no notice of that statement. It was, however, published to the public at large.

The provisions engaged. Florida Code of Judicial Conduct **Canon 1** (a judge shall uphold the integrity of the judiciary); **Canon 2A** (a judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary); and **Canon 3B(1)** (a judge shall be faithful to the law and shall perform judicial duties diligently).

SCOPE OF THIS EXHIBIT — STATED EXPRESSLY

This exhibit advances **one** post and no other. The same public account carries further posts from the same evening, including remarks about a drinking game. **Those posts are not advanced here, are not characterised as misconduct, and no inference is invited from them.** They are identified only so that the record is complete as to what was reviewed.

Nor is any Canon 7 contention made on the basis of this post or any other post of that evening. The posts reviewed comprise debate commentary and reposts of published satire; **none endorses or opposes a candidate for public office.** Canon 7 is not engaged by this exhibit.

This exhibit reproduces a public record and offers the Petitioner's contention as to its significance. **It is not an adjudicated finding.**